

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)
Plaintiff,)
)
)
) C.A. No. 04-379 Erie
v.)
)
U.S. JUSTICE DEPT., et. al.)
Defendants.)

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C.A. NO. 04-379 ERIE
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U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

MOTION FOR ENLARGEMENT OF TIME

COMES NOW, DEMETRIUS BROWN, herein as Plaintiff, proceeding Pro-Se, hereby moves this Honorable Court, the United States District Court for the Western District of Pennsylvania pursuant to Federal Rules of Civil Procedure 6(b) for Enlargement of Time, in addition to the time allowed, for responding to Defendants Motion to Dismiss, Motion for Summary Judgment. In support, Plaintiff states:

1. The Defendants submitted said motions for electronic filing on February 5, 2007.
2. The Plaintiff received on February 7, 2007, service of said motions filed into court by Defendants.
3. The Plaintiff, by order of the Court, has been allowed until February 26, 2007 to respond to Defendants' Motion. That Plaintiff may also be allowed to amend complaint to cure any procedural defects.

4. Plaintiff is appearing before the court, in propria persona, without counsel. That, he is indigent and incapable to obtaining access of resources necessary that would effectively and efficiently make for a proper and timely response.

5. The Defendants motions along with brief are complex and voluminous, replete with case law, in which more time is needed than allotted by the court to research and respond.

6. The fact also, that the Federal Correctional Institution at RayBrook is known to frequent lock downs as it has done recently from February 7-12, 2007. That, however, an enlarged time frame would give the Plaintiff somewhat of a cushion or the insulation for assuring that he will properly prepare a most meaningful reply.

7. As well, the difficult task of timely gathering evidence in such a brief span presents a problem but, with an enlargement of time that problem may be overcome.

WHEREFORE, Plaintiff requests for the Court to grant an additional 14 days in which to respond to Defendants' motions, with the probability for amendment of complaint, to and including March 12, 2007.

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

2/12/07
dated

Demetrius Brown

cc:file
db/db
Megan E. Farrell

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)
Plaintiff,)
)
) C.A. No. 04-379 Erie
v.)
)
U.S. JUSTICE DEPT., et. al.,)
Defendants.)

ORDER

AND NOW, this ____ day of February, 2007,

IT IS HEREBY ORDERED, that Plaintiff's MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT, in the civil action number 04-379 Erie is hereby GRANTED.

IT IS FURTHER ORDERED, that Plaintiff shall have until March 12, 2007, to respond to Defendants' Motion to Dismiss, Motion for Summary Judgment, in the civil action number 04-379 Erie.

IT IS FURTHER ORDERED, that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within (10) days may constitute waiver of the right to appeal.

/s/

cc: Megan E. Farrell
Demetrius Brown

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ERIE DIVISION

DEMETRIUS BROWN,)
Plaintiff,)
v.)
U.S. JUSTICE DEPT., et. al.,) C.A. No. 04-379 Erie
Defendants.)

)

PROOF OF SERVICE

I, DEMETRIUS BROWN, do swear or declare that on this date, February 12 2007, as required by Fed.R.Civ.P. 5, I have served the enclosed MOTION FOR ENLARGEMENT OF TIME on each party to the above proceeding or that of party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in FCI RayBrook's internal mail system for mail in the United States, mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

MEGAN E. FARRELL Assistant U.S. Attorney Western District of PA	at	700 Grant St. Suite 4000 Pittsburgh, PA. 15219 (412) 894-7429 PA ID #76972
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I declare under penalty of perjury that the foregoing is true and correct. Executed on 2 - 12 -, 2007

Demetrius Brown

2/12/07

Dear Clerk of Court:

Enclosed you will find one (1) original copy of a Motion for Enlargement of Time. Please file with the Court accordingly. Thank you very much for your time and consideration.

Sincerely,


Demetrius Brown
Reg. No. 21534-039
FCI RayBrook
P.O. Box 9001
RayBrook, NY. 12977

cc:file
db/db